

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)
PHNL 021225

In re Application of: HUBERT C.F. MARTENS ET AL.

Application No. 10/537,065

Filed: June 1, 2005

For: APPARATUS AND METHOD FOR RECORDING AN INFORMATION ON A RECORDABLE OPTICAL RECORD CARRIER USING
OVAL SPOT PROFILE

The owner, KONINKLIJKE PHILIPS ELECTRONICS N.V. of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/536,640, filed on May 27, 2005. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Please charge Deposit Account 14-1270 the terminal disclaimer fee under 37 CFR 1.20(d).

The undersigned is an attorney of record.

/Edward W. Goodman/

Signature

February 14, 2008

Date

EDWARD W. GOODMAN, Reg. 28,613

Typed or printed name

See Comments to Form